

REMARKS**Paragraphs 1-2 of the Office Action**

Claim 8 is rejected under 35 USC §112 second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 has been amended and is believed to be in compliance.

Withdrawal of the rejection is respectfully requested by the applicant.

10 Paragraphs 3-4 of the Office Action

Claims 1-5 and 8 are rejected under 35 USC §102(c) as being anticipated by Szmidt et al. Claims 6-7 and 9-10 are rejected under 35 U.S.C. §103(a) as being unpatentable over Szmidt et al. in view of Roh.

15 Claim 1 has been amended to include the limitations of the covering and the carrying handle. Claim 1 includes the limitation of an arcuate panel which ensures that the panel will correctly hold an infant therein, particularly when being transported with the carrying handle. The cover aids in ensuring that an infant being carried in the panel will not slide off of the panel. The positioning of the legs of carrying handle places the center of gravity toward the middle of the panel. This again ensures that an infant will
20 not slide off the panel when the panel is lifted with the carrying handle.

The Examiner has cited Szmidt for the finding of an arcuate panel. However, there is nothing which indicates that the chair of Szmidt shows an arcuate panel. The Examiner first indicates that the panel is shown in Szmidt by numeral 14. However, element 14 is defined as a seat portion by Szmidt and is used in varying places in the
25 figures to show the seat in general as well as the sides of the seat. Second, there is nothing in Szmidt to suggest that Szmidt has an arcuate and concave surface. In particular, the seat 14 of Szmidt, includes a seat back 22 and a seating shelf 25. Since the seating shelf 25 extends outwardly from the seat back 22, Szmidt actually includes alternating portions of concave *and* convex sections so that the seat shelf 25 can be
30 formed.

The Examiner has also cited Szmidt for the finding of a harness and a carrying handle. However, the supposed handle of Szmidt is actually part of the harness bar 33 of Szmidt. Thus, Szmidt does not disclose a carrying handle. Because the harness bar 33 is used for restraint, it extends over the infant in its down position and is positioned adjacent to an upper edge of the seat 14 when lifted to allow a child to be positioned on the seat.

14. If a person were to attempt to lift the seat 14 with the harness bar 33, while a child was positioned in the seat 14, the child would fall forward out of the seat.

Applicant's device further includes wheels that extend out of the panel as opposed to wheels positioned outside of the side walls as is described in Szmidt. This makes for a more compact design, which is required for ensuring the seat fits within a vehicle and to prevent the wheels from hitting the legs of a person carrying the seat.

Roh has been cited for a covering. However, the covering of Roh is not attached to the baby seat but is designed to be interchanged between baby seats and thus is removably secured with a band. Applicant uses snaps for a rigid fit to ensure that a child will not slide out between the panel and the cover. This is important for the purpose of applicant's device and further enhances the infant retaining structure of applicant's device.

As applicant's device includes elements, described above, which are not included in the prior art, the prior art citations, either singly or in a combination, cannot form applicant's device. For these reasons, applicant believes that claim 1, and all remaining claims depending from claim 1 are in condition for allowance.

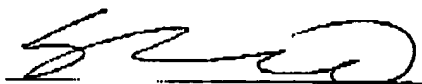
Withdrawal of the rejection is respectfully requested by the applicant.

CONCLUSION

In light of the foregoing amendments and remarks, early consideration and allowance of this application are most courteously solicited.

Respectfully submitted,

10



Sean A. Kaufhold (Reg. No. 46,820)
P.O. Box 131447
Carlsbad, CA 92013
(760) 470-3368 FAX (760) 736-8449

Date:

2/17/05

15